

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF CHANGE APPLICATION)

NUMBER 65-2527 (a16861))

MEMORANDUM DECISION

Change Application Number 65-2527 (a16861), in the name of Fountain Green Irrigation Company Inc., was filed on June 29, 1992, to change the point of diversion, place and nature of use of 0.5 cfs or 110.04 acre-feet of water. Heretofore, the water has been diverted from a 12 inch well, 150 feet deep, located North 858 feet and West 990 feet from the E $\frac{1}{4}$ Corner of Section 18, T14S, R3E, SLB&M, and used for the irrigation of 36.12 acres, and the stockwatering of 44 head of livestock, and the domestic purposes of one family in the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 17; SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 18; NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, T14S, R3E, SLB&M.

Hereafter, it is proposed to divert 0.5 cfs or 110.04 acre-feet of water from a 12 inch well, 253 feet deep, located South 2315 feet and East 1109 feet from the NW Corner of Section 6, T14S, R3E, SLB&M, to be used for the irrigation of 36.70 acres in the Section 35; Section 36, T13S, R2E, SLB&M; Section 31, T13S, R3E, SLB&M; Section 1; Section 11; Section 13; Section 23; Section 24; Section 25, T14S, R2E, SLB&M; Section 1; Section 6; Section 7; Section 8; Section 17; Section 18; Section 19; Section 20; Section 30, T14S, R3E, SLB&M.

The application was advertised in the Mt. Pleasant Pyramid from July 22, 1992, to August 5, 1992, and was not protested.

It appears this change can be made provided certain precautions are taken to assure that existing rights are not jeopardized.

It is, therefore, **ORDERED** and Change Application Number 65-2527 (a16861) is hereby **APPROVED** subject to prior rights and with the following conditions:

1. The applicant will be limited to 110.04 acre-feet of water annually, based on an annual irrigation duty of 3.0 acre-feet of water per acre of land. At the time proof of beneficial use is submitted, the applicant is to identify a total of 36.12 acres of land that has been abandoned from the acreage historically irrigated from the heretofore well. Also, the heretofore domestic and stockwater use shall cease use.
2. The rights shall be brought under controlled distribution by the Sanpitch River Commissioner and a permanent totalizing meter shall be installed on the well and be available for inspection at all times by the River Commissioner.
3. The cost of all devices installed and administration of this change shall be borne by the applicant.

This Decision is subject to the provisions of Rule R655-6-17 (1992 Utah Administrative Code--formerly R625) of the Division of Water Rights and to Sections 63-46b-13 and 73-3-14 of the Utah Code Annotated, 1953, which provide for filing either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Decision. However, a Request for Reconsideration is not a prerequisite to filing a court

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appeal. A court appeal must be filed within 30 days after the date of this Decision, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 8th day of January, 1993.


Robert L. Morgan, P.E., State Engineer

RLM:KF:jb

Mailed a copy of the foregoing Memorandum Decision this 8th day of January, 1993, to:

Fountain Green Irrigation Company Inc.
P.O. Box 282
Fountain Green, UT 84639

Perry Jensen
River Commissioner
P.O. Box 303
Moroni, UT 84646

BY: 
Judy Barbour, Secretary